

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
:
MOHAMMED JABARAH,
:
Plaintiff,
:
- against -
:
MICHAEL J. GARCIA et al.,
:
Defendant.
:
- - - - -x

ORDER

08 Civ. 3592 (DC)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/07/08

CHIN, District Judge

By letter dated July 1, 2008, pro se plaintiff Mohammed Jabarah requests assignment of counsel, assistance with service of process, and permission to amend his complaint. Based on an initial review of the pleadings and considering the factors governing appointment of counsel set forth in Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986), the Court determines that plaintiff's position may have merit and other factors also favor appointment of counsel. See Hendricks v. Coughlin, 114 F.3d 390, 394 (2d Cir. 1997).

Here, plaintiff alleges repeated delays in the delivery of his mail, including, in some instances, delays in excess of three years, and that some of his mail has not been delivered at all. These facts may state a plausible claim for the violation of his rights under the First Amendment or even the Due Process Clause. See, e.g., Johnson v. Goord, 445 F.3d 532 534 (2d Cir. 2006); Sizemore v. Williford, 829 F.2d 608, 610-11 (7th Cir. 1987).

Accordingly, it is HEREBY ORDERED that:

(1) plaintiff's request for counsel is granted, and the pro se office is directed to start the process of finding pro bono counsel;

(2) the pro se office is also directed to contact plaintiff to provide assistance regarding service of process;

(3) plaintiff's request to amend his complaint is granted. Plaintiff may file an amended complaint with additional facts as he wishes. He shall do so by September 10, 2008.

SO ORDERED.

Dated: New York, New York
August 7, 2008



DENNY CHIN
United States District Judge